

REMARKS

The outstanding Office Action has been reviewed in detail along with all references made of record. Reconsideration of the claims of the instant application is respectfully requested in view of the following remarks.

Applicants would like to extend their appreciation to the Examiner for the time and attention accorded this case. As will be set forth in detail herebelow, the issues raised by the Office in the outstanding Office Action, when reconsidered in light of the foregoing amendments and the following comments, should be resolved in Applicants, favor.

Claims 1-7 and 12-36 were on file as of the mailing date of the outstanding Office Action. Claims 1, 13, 14, 30, 34 and 35 are amended herein, while Claim 12 has been cancelled without prejudice.

Claims 3-7 and 31-36 are rejected under 35 U.S.C. 112, second paragraph. As before, the thrust of the rejection is scarcely understood. The claims have previously been amended in an effort to readily obviate rejections of this type. Applicants respectfully request reconsideration of this rejection in the absence of any greater specificity on the part of the Office as to the particular items of concern. The Office is respectfully encouraged to contact the undersigned via telephone if it should help expedite prosecution of the instant

application, especially by way of resolving the present rejection. As such, reconsideration and withdrawal of the present rejection are hereby respectfully requested.

Claims 1-7, 18, 20, 26 and 29-33 stand rejected under 35 U.S.C. 102(b) in view of Sessa. Claims 1-7, 12-14, 17-26 and 29-33 stand rejected under 35 U.S.C. 102(b) in view of Yung-Mao. Claims 1-6, 12-18 and 23-36 stand rejected under 35 U.S.C. 103 in view of Kramer and Wen.

Independent Claims 1 and 30 essentially indicate, *inter alia*, that a footwear insole comprises a base, a plurality of compressible protrusions protruding in a direction away from the base and for protruding away from a wearer's foot, and an arrangement for interconnecting the compressible protrusions, the interconnecting arrangement combining with the compressible protrusions to provide for strict compression of the compressible protrusions in response to a compressive force, whereby a column-buckling effect is avoided. Claims 1 and 30 also recite that the "interconnecting means" includes a compressible base.

Claims 1 now further recite features previously present in Claims 12 and 30, and both Claims 1 and 30 provide further clarification for these features in a manner not shown or contemplated by the applied art. Particularly, Claims 1 and 30 now recite that, with a first group of protrusions being

adapted to maximally absorb a compressive force along a first primary force vector, the first primary force vector being essentially parallel to a longitudinal axis of said insole, and a second group of protrusions being adapted to maximally absorb a compressive force along a second primary force vector, the second primary force vector being oriented at an acute angle, in a forward direction, with respect to the first primary force vector, the first group of protrusions comprise at least a first genre of protrusions each having a longitudinal dimension extending along a planar dimension of the insole and a transverse dimension defined in perpendicular with respect to the longitudinal dimension along a planar dimension of said insole, the longitudinal dimension being greater than the transverse dimension, the longitudinal dimension being oriented essentially in parallel with respect to the first primary force vector, while the second group of protrusions comprise at least a second genre of protrusions each having a longitudinal dimension extending along a planar dimension of the insole and a transverse dimension defined in perpendicular with respect to the longitudinal dimension along a planar dimension of said insole, the longitudinal dimension being greater than the transverse dimension, the longitudinal dimension being oriented essentially in parallel with respect to the second primary force vector. Further, the first genre of protrusions and the second genre of protrusions are coincident in at least one region of the insole as defined along a direction transverse to a

longitudinal axis of the insole. Illustrative and non-restrictive examples of these features are evident in Figs. 2 and 7 of the instant application. With respect, the applied references do not remotely teach or suggest features as recited in Claims 1 and 30.

As discussed previously, and as best understood, Sessa is directed to a midsole or outer sole that provides compression via longitudinal spaced transverse ribs which run laterally. Spaces between the ribs apparently allow the ribs to deform sideways. Sessa shows intriguing patterns of deformations and recesses on different soles but has nothing to do whatsoever with first and second groups of protrusions wherein a first genre, in the first group, is essentially oriented in parallel to a "first primary force vector" as recited while a second genre, in the second group, is essentially oriented in parallel to a "second primary force vector" as recited.

As discussed previously, Yung-Mao, as best understood, is directed to a mid-sole that offers independent suspension with individual protruding elements. The protruding elements appear to be arranged so as to accommodate an observation window in the shoe. They further appear to be bulbous or pillar-like in construction and do not at all present differing longitudinal and transverse dimensions, much less be oriented essentially parallel to force vectors as recited by Claims 1 and 30.

As discussed previously, Kramer, as best understood, also relates to a midsole. In this case, there are substantial deformation nubs that provide cushioning and air circulation and which are disposed towards, not away from, a wearer's foot. The nubs in Kramer also appear to be pillar-like in configuration and thus, like with Yung-Mao, do not present differing longitudinal and transverse dimensions or involve orientation essentially in parallel to force vectors as claimed.

Finally, Wen, as best understood, appears to be directed to a rubber pad construction with a number of resilient protrusions, primarily in the form of concentric sets of protrusions. Among other things, Wen certainly does not present an arrangement wherein a first genre of protrusions and a second genre of protrusions are coincident in at least one region of an insole as defined along a direction transverse to a longitudinal axis of the insole.

In view of the foregoing, it is respectfully submitted that Claims 1 and 30 fully distinguish over the applied art. Claim 12 has been cancelled herein without prejudice. By virtue of dependence from what is believed to be an allowable Claim 1, it is respectfully submitted that Claims 2-7, 13-29 and 31-36 are also allowable.

In view of the foregoing, it is respectfully submitted that the present 102(b) and 103 rejections have been overcome.

Reconsideration and withdrawal thereof are hereby respectfully requested.

Claims 13 and 34 have been amended to provide structural clarity to features relating to a "third force vector". Claims 14 and 35 have been amended to be consistent with Claims 1 and 30.

References Made of Record but not Applied:

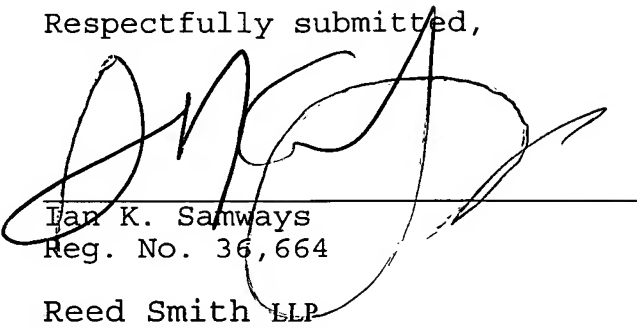
The references made of record but not applied against the claims have been reviewed. Applicant acknowledges that the Office has deemed such references not sufficiently relevant to have been relied upon in the outstanding Office Action. However, to the extent that the Office may apply such references against the claims in the future, Applicant is prepared to fully respond thereto.

* * *

In summary, Applicants respectfully submit that the instant application, including Claims 1-7 and 13-36, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Respectfully submitted,

Dated: January 17, 2006



Ian K. Samways
Reg. No. 36,664

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230-0488
(412) 288-4160

Agent for Applicants